United States Court of Appeals

for the Second Circuit

EXHIBITS

ORIGINAL

74-1823

United States Court of Appeals

FOR THE SECOND CIRCUIT

VERMONT FOOD INDUSTRIES, INC.,

Plaintiff-Appellee,

against

RALSTON PURINA COMPANY,

Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT,
FOR THE DISTRICT OF VERMONT

EXHIBIT VOLUME

OLWINE, CONNELLY, CHASE, O'DONNELL & WEYHER
Attorneys for Defendant-Appellant
299 Park Avenue
New York, New York 10017

RICHARD E. DAVIS ASSOCIATES, INC.
Attorneys for Plaintiff-Appellee
P.O. Box 666
Barre, Vermont 05641

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1971
1972 - Complex A "White"

NAME

No. of Pullets Housed 24,500

Hatch Date _____ & No Started 24680

House

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION

24,500 24290 24036 23913 23511 23225 23131 23163 23458 23263 23051 22897

PLAINTIFF'S EXHIBIT 3

Per Cent

100 95 90 85 80 75 70 65 60 55 50 45 40 35 30 25 20 15 10 5

Weeks 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 45 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

7 14 21 28 5 12 19 26 2 9 16 23 30 6 13 20 27 4 11 18 25 1 8 15 22 29 6 13 20 27 3 10 17 24 31 7 14 21 28 6 13 20 27 3 10 17 24 1 8 15 22 29 5 12 19 26 2 9 16 23 30

Months 1971 July Aug Sept Oct Nov Dec 1972 Jan Feb March April May

AGE OF FLOCK

E 1

8/66 25M

E 2

PLAINTIFF'S EXHIBIT 4

PLAINTIFF'S EXHIBIT 10

(Flock #2 Brown) 1971 - 1972 (B2)

NAME Complex B

No. of Pullets Housed 25760

on April 17 - 1972

% Cum. Mortality 25760 25702 25618 25531 25[illegible] 25[illegible] 25[illegible] 24,833 24,872 24,765 24,691

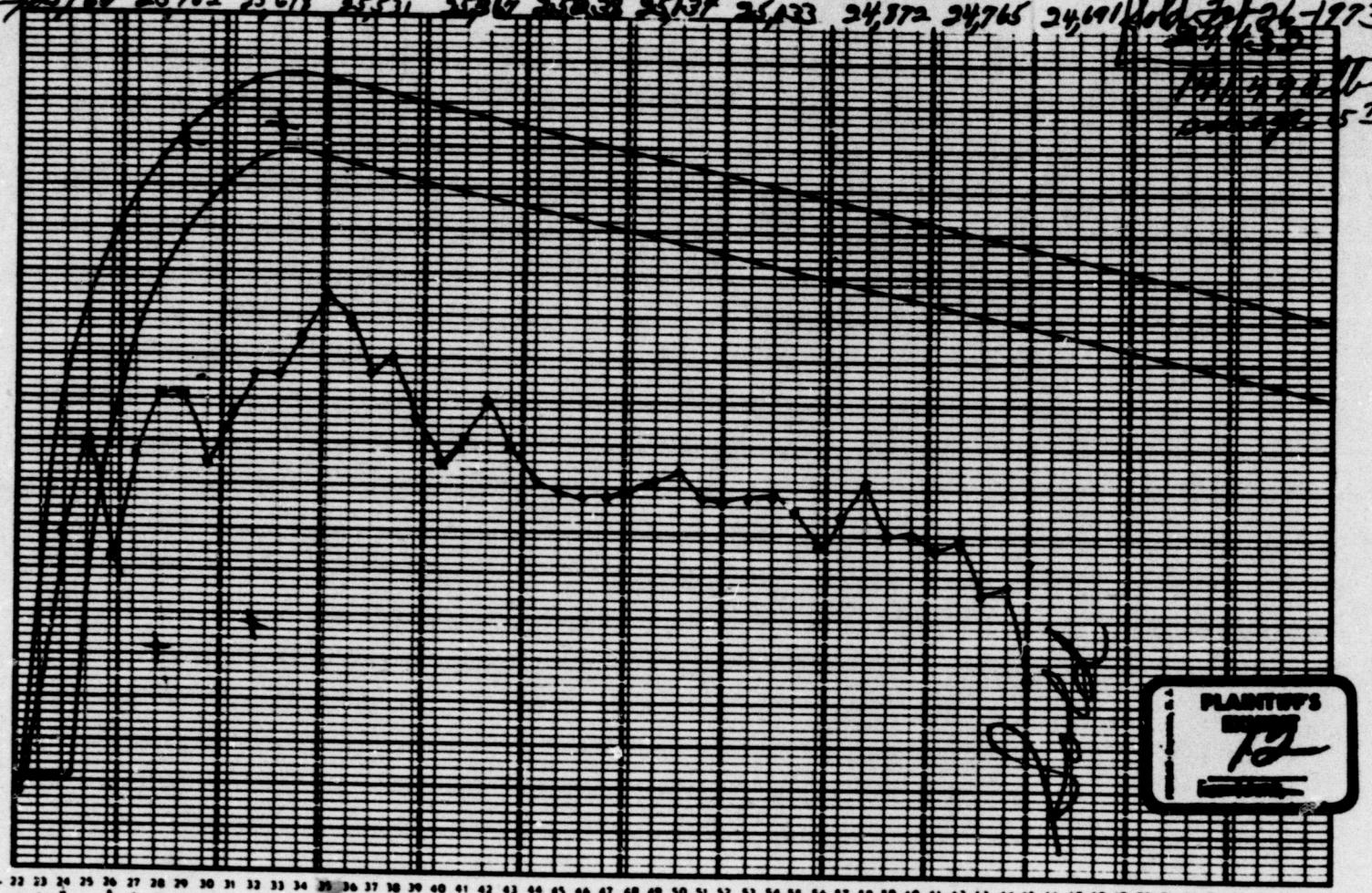
Hatch Date Nov 27-71 & No. Started 30,617

House

Sold Sept 26-1973

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION



PLAINTIFF'S 12

Weeks 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

1972 Months April 5 May June 7 July Aug 9 Sept 10 Oct 11 Nov 12 Dec 13 1973 Jan 14 Feb 15 March 16 17 18

AGE OF FLOCK

E 4

PLAINTIFF'S EXHIBIT 12

1972

NAME Building C

No of Pullets Housed 32,000

20 weeks old 21,000 = 6-27-72
11,000 = 7-11-72

Started Adding 6-9-72 22,000
Hatch Date 2-22-72 & No Started - 11,600

House Old Hen House and Annex

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION

31519 31247 30913 30590 [illegible] 32982 31905 31556

Per Cent
100 95 90 85 80 75 70 65 60 55 50 45 40 35 30 25 20 15 10 5

Weeks
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

Months
July August September October November December 1973 January February March April May June July

AGE OF FLOCK

PLAINTIFF'S EXHIBIT 16

E 5

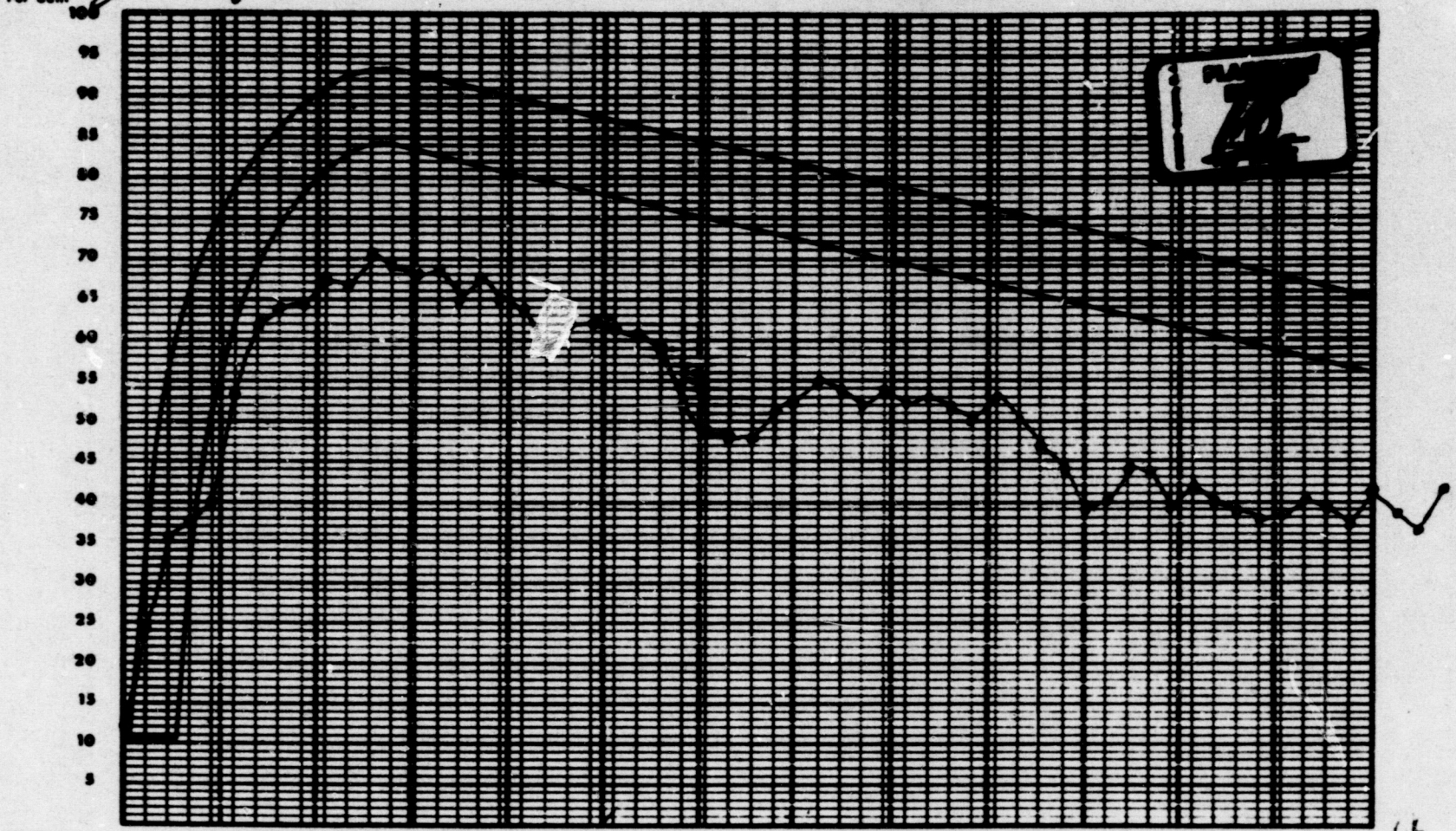
1971
1972 NAME Complex C White Flock #1 Hatch Date _____ & No. Started _____

No. of Pullets Housed 33,000 House _____

January 21 & 25 - 1971

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION (-1



PLAINTIFF'S EXHIBIT 18

E 6

X

NAME Homesote — 3rd floor — Brown

No. of Pullets Housed 4,320 — Hatch Date 9.30.71 — & No Started —

House

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION

4,309 4290 4272 4248 4232 4215 4208 4158 4123 4051

Per Cent

100 95 90 85 80 75 70 65 60 55 50 45 40 35 30 25 20 15 10 5

PLAINTIFF'S 20

Weeks 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

1972

Months 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

Mid May June July Aug Sept Oct Nov Dec Jan Feb 73 March 73 April May

AGE OF FLOCK

a/oo zsm

Revised April 18-72

PLAINTIFF'S EXHIBIT 20

E 7

Lot # 7

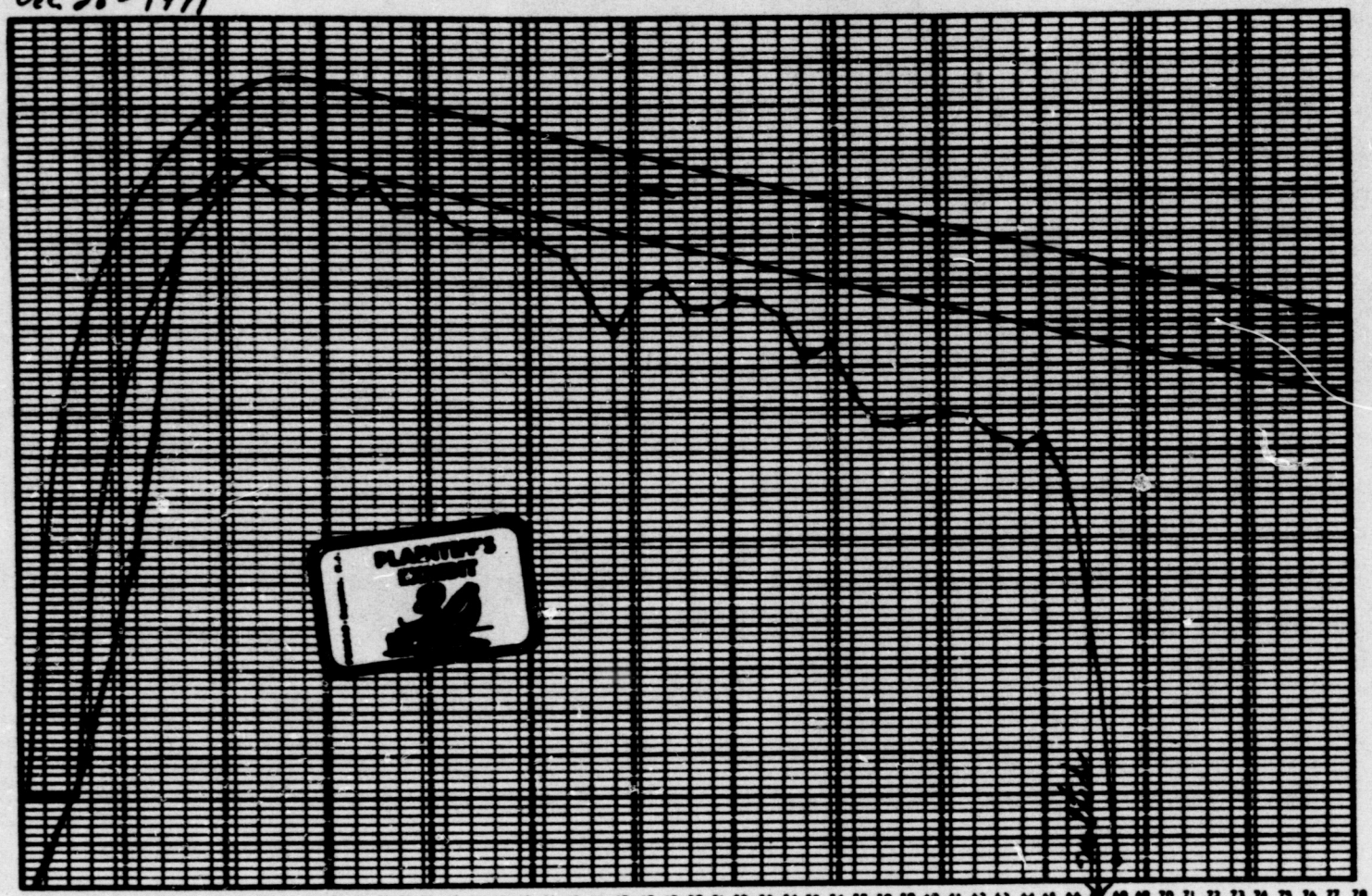
NAME Dastie — from Hecht's — Hatch Date 6-1-71 — & No. Started 38,000-42

No. of Pullets Housed 38,800 — House Eldridge

Per Cent to Oct. 19 - 1971 / Oct. 28 - 1971

H&N "Nick Chick" Performance Goal Chart

HEN-DAY AVERAGE EGG PRODUCTION



Weeks — 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78

Oct. 1971 — Nov — Dec — Jan 1972 — Feb — March — April — May — June — July — Aug. — Sept.

Months — 5 — 6 — 7 — 8 — 9 — 10 — 11 — 12 — 13 — 14 — 15 — 16 — 17 — 18

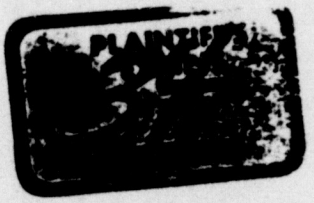
AGE OF FLOCK

PLAINTIFF'S EXHIBIT 30

E 8

E 9

PLAINTIFF'S EXHIBIT 34



UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL COLLEGE
Department of Animal Pathology

Accession No. 3433

Date September 27 19 72

Owner Leopold LeRiche Address Wolcott, Vt.

Submitted by Pease Grain Company Address City
Earl Morrill

Species Avian No. of -Specimens 5 live Sex f Breed SexSal Age 43 wks

History:

Wants histologic exam of liver for lymphoid leucosis

Necropsy x Cultured x Histology x Blood

Animal Inoculation Serologic Parasitic x

Other Sens 9-29 Virus Isolation

Antemortem: Sections Gelnn Snowenbos 10-10

Postmortem:

Mild synovitis = 1
Lymphoid leukosis = 0
Marek's disease = 0
Mild to moderate enteritis = 2
Slightly fatty liver = 1
All with normal spleens
All well fleshed
All with tracheas and air sacs normal. Three laying well
Two laying moderately well. All with normal nerves.
Histology: 4 sections of liver and spleen = no evidence of tumors
Spleens (4) = no evidence of tumors.
3 fecals = negative for parasites.
Cultures - intestines = Staphylococcus

Diagnosis: Staphylococcal enteritis (2)

Recommendations:

Examined by R. W. Murray Date 9-27-72

Reported by R. W. Murray How in person M Date 9-28-72
R. W. Murray letter L cc/M 10-31-72

E 10

PLAINTIFF'S EXHIBIT 35

UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL COLLEGE

Department of Animal Pathology

Accession No. 2837

Date August 8 19 72

Owner Leopold LeRiche Address Wolcott, Vermont

Submitted by Pease Grain Company Earl Morrill Address Burlington, Vermont

Species Avian No. of Specimens 6 live Sex F Breed Sex Sal Age 33 wks.

↓ Started @ 36 wks

History: Production lower 15%
Egg size down
Mortality OK
Never peaked over 70-72%

Necropsy x Cultured x Histology ____ Blood ____

Animal Inoculation ____ Serologic ____ Parasitic x

Other Fungi Virus Isolation ____

Antemortem:

Postmortem: All laying but not well
No leukosis. No synovitis or CRD
Extremely fatty.
Liver and kidneys yellow in color.
Livers very friable. One with mild enteritis.
Culture - intestine = E. coli only. negative for fungi
2 fecals = negative

Diagnosis: Obesity (fatty liver syndrome)

Recommendations: Put on fatty liver syndrome diet feed 18% protein

Examined by R. W. Murray Date 8-8-72

Reported by R. W. Murray How Phone L Letter L Date 8-17-72
cc/Gauth.

E 11

PLAINTIFF'S EXHIBIT 36

UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL COLLEGE
Department of Animal Pathology

Accession No. 3912

te November 10 19 72

ner Leopold LeRiche Address Wolcott, Vermont

omitted by Pease Grain Company Address Burlington, Vt.
E. Merrill

ecies Avian No. of -Specimens 6 live Sex f Breed DeKalb Leg. Age 36 wks

story:

Production low 62%
Cage birds

cropsy x Cultured x Histology Blood

imal Inoculation Serologic Parasitic x

her sens. Virus Isolation

temortem:

ostmortem:

No leukosis. One with mild tracheitis. All very fat.
Three with fatty livers. Two with very mild enteritis
No synovitis. 2 fecals negative
Culture - intestine = Staphylococcus

iagnosis: Staphylococcal enteritis (2). fatty liver syndrome (6)

ecommendations:

xamined by R. W. Murray Date 11-14-72
R. W. Murray phone L
eported by R. W. Murray How letter L Date 11-21-72
Sene. rpt. M 11-17-72

E 12

PLAINTIFF'S EXHIBIT 37

UNIVERSITY OF VERMONT

AND STATE AGRICULTURAL COLLEGE

Department of Animal Pathology

Accession No. 2863

Date August 10 1972

Owner Leopold LeRiche Address Wolcott Vermont

Checkerboard Feed

Submitted by Arthur Gauther Address Hardwick, Vt.

Species Avian No. of Specimens 6 live Sex F Breed Sex Sal Age 33 wks

History:

Should be 36 wks

Peaked at 71% Now 58-60%
Layed small eggs for a long period
Starting to lay large eggs

Necropsy x Cultured Histology Blood

Animal Inoculation Serologic Parasitic x

Other organs to Purina 8-10 Lab Virus Isolation

Antemortem:

Postmortem: Livers very friable. No synovitis or enteritis
No leukosis or CRD

1. not laying
2. laying well
3. Laying
4. Laying; not as fatty as others
5. Laying
6. Laying well

2 fecals negative
Extremely fatty, some livers and kidneys yellow-brown in color.

Diagnosis: Obesity (Fatty Liver Syndrome)

Recommendations: Put on fatty liver syndrome diet. Feed 18% protein

Examined by R. W. Murray Date 8-10-72

Reported by R. W. Murray How phone L Date 8-10-72
R. W. Murray letter L cc/G 8-17-72

E 13

PLAINTIFF'S EXHIBIT 38

UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL COLLEGE

Department of Animal Pathology

Accession No. 2906

Date August 14 19 72

Owner Leopold LeRiche **Address** Wolcott, Vermont

Submitted by _____ **Address** _____

Species Avian **No. of -Specimens** 11 live **Sex** f **Breed** H & N W.L. **Age** 14 mos

History:

From Maine
In 10th month

Necropsy x **Cultured** _____ **Histology** _____ **Blood** _____

Animal Inoculation _____ **Serologic** _____ **Parasitic** x

Other _____ **Virus Isolation** _____

Antemortem:

Weights: 4.25; 5.4; 4.25; 4.75, 4.24; 3.75; 4.75; 4.9; 4.5; 4.2; 3.4; Average weight = 4.4

Postmortem:

2 = uterine cyst
1 = visceral leukosis
1 = extremely fat with yellow liver
1 = synovitis
1 = fair layer
3 fecals = negative
10 of 11 with moderate excessiveness of fat
Average weight of 4.4 is heavy for this bird

Diagnosis: Moderate obesity, visceral leukosis (1), infectious synovitis (1)

Recommendations: Heavy and overly fat

Examined by R. W. Murray **Date** 8-14-72

Reported by R. W. Murray **How** letter L **Date** 8-25-72

E 14

PLAINTIFF'S EXHIBIT 39

UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL COLLEGE

Department of Animal Pathology

Accession No. 4084

Date November 30 1972

Owner Leopold LeRiche Address Wolcott, Vermont

Submitted by in person Address

Species Avian No. of Specimens 5 live Sex f Breed Dekalb W.L. Age 42-45 wks

History:
History of fatty liver syndrome
Laying 58% at present
In cages

Necropsy x Cultured Histology x Blood

Animal Inoculation Serologic Parasitic x

Other Dr. Chas. Helmboldt 12-20 Virus Isolation
Rockport, Maine

Antemortem:
One not laying. One laying very well
Others laying light to moderate

Postmortem:

5 1/8, 4 3/4, 5, 4 3/4, 4 3/4

Tracheas normal. No synovitis. No leukosis.
One with very mild enteritis. Others with normal intestines
All with yellowish friable livers and extremely large amount of abdominal and subcutaneous fat. Two with small hemorrhages in liver. Kidneys yellowish in color.
Histology - Dr. Helmboldt 1-15-73 = fatty liver syndrome,
No evidence of leukosis.

Diagnosis: Fatty liver syndrome (5),

Recommendations. Histology will be done

Examined by R. W. Murray Date 11-30-72
R. W. Murray in person L 11-30-72
Reported by R. W. Murray How letter L Date 12-12-72
R. W. Murray letter L 1-23-73

E 15

PLAINTIFF'S EXHIBIT 40

AVIAN DIAGNOSTIC REPORT

PATH 1

Section of Avian Medicine
Department of Pathobiology

Cooperative Extension Service
College of Agriculture and Natural Resources
The University of Connecticut, Storrs 06268
Tel (203) 429 3311 Ext 1584

959-60
1238-59
1310-62

Spec No [redacted] Ref No [redacted] Date Received 8-23-72
Owner Leopold Levitan Address Holcomb, Missouri Tel ?
Farm [redacted] Address [redacted] Tel [redacted]
Copies to Dr. Edward McChesney, Ann H. Northcross, Texas
Submitted by ? Total farm population 25,000 No this flock 25,000
No birds examined 5 Breed Cornish Age 24 weeks alive 5 No dead [redacted]
Ages Vacc AE [redacted] Cocc [redacted] CRD [redacted] Erysipelas [redacted] Fowl Cholera [redacted]
Fowl Pox [redacted] IBV X ILT [redacted] Marek's X NDV X
Birds bought at age [redacted] From DeKalb-Thurman Raised for eggs
Feed [redacted] Coccidiostat [redacted] Withdrawn at [redacted] Litter Sugar
Recent Diagnoses [redacted]
Recent Medicines Chelina, Bg and Vit. K. since 8-15-72

History Production 5%, peaked at 64% about 3 wks. ago. No mortality.

Gross Pathology

1 No 24/30 (L) D Fa production. Very fat. Liver is yellow.
2 No 24/31 (L) D Out of production. Very fat.
3 No 24/32 (L) D Out of production. Very fat.
4 No 24/33 (L) D Out of production. Yellow liver. Very fat.
5 No 24/34 (L) D Out of production. Very fat.
6 No [redacted] L D
7 No [redacted] L D
8 No [redacted] L D
9 No [redacted] L D
10 No [redacted] L D

PLAINTIFF'S 40

( ) Ascaridia ( ) Newcastle ( ) F A
( ) Capillaria ( ) Bronchitis ( ) Pullorum
( ) Coccidia ( ) M G ( ) Salmonella
( ) Bacteriology ( ) M I ( )

( ) Histopathology

Diagnosis Fatty Liver Syndrome (Cross shearing)
Recommendation Add oak bulk to the feed for 10 days.

Reported Oral 9:10 AM 8-23 Telephone [redacted] Final 8-23-72
clg

Kenneth S. Reynolds, D.V.M.
Extension Veterinarian

AVIAN MEDICINE

E 16

PLAINTIFF'S EXHIBIT 41

AVIAN DIAGNOSTIC REPORT

PATH 1

Section of Avian Medicine
Department of Pathobiology

Cooperative Extension Service
College of Agriculture and Natural Resources
The University of Connecticut, Storrs 06268
Tel. (203) 429-3311 Ext. 1584

2-

$ 6261 - 62
$ 6253 - 57.
~~$ 6264 - 78~~

Spec No [redacted] Ref No [redacted] Date Received 9-28-72
Owner Leopold Levitsky Address Holcomb, Vermont Tel
Farm Address Tel
Copies to Dr. Edward Hoffman, Dan H. Hardiman, Esq.
Submitted by Dr. Edward Hoffman Total farm population No this flock 14,000
No birds examined 8 Breed Hamline Age 4 Wks No. alive 8 No dead
Ages Vacc AE Cocci CRD Erysipelas Fowl Cholera
Fowl Pox IBV X ILT Marek's X NDV X
Birds bought at age 1 da. From Hatch - Hanson Raised for
Feed Purina A Purina B Coccidiostat Withdrawn at Litter Shavings
Recent Diagnoses Runty Liver Syndrome 8-28-72
Recent Medicines None

History Production House B (4,000) 8% - House A (10,000) 5% - same as [redacted]-34.
No mortality.

Gross Pathology

1 No [redacted] L S House A - Yellow liver, brittle, excess body fat. Not in production.
2 No [redacted] L S House A - Liver normal. Body fat normal. In production.
3 No [redacted] L S House A - Same as [redacted]. Not in production.
4 No [redacted] L S House A - Same as [redacted].
5 No [redacted] L D House B - Not in production.
6 No [redacted] L D House B - As above.
7 No [redacted] L S House B - As above.
8 No [redacted] L S House B - Excess body fat. Yellowish liver, somewhat brittle.
9 No _____ L D
10 No _____ L D

PLAINTIFF'S EXHIBIT 41

( ) Ascaridia ( ) Newcastle ( ) F A
( ) Capillaria ( ) Bronchitis ( ) Pullorum
( ) Coccidia ( ) M g ( ) Salmonella
( ) Bacteriology ( ) M g ( )
(X) Histopathology Kidneys - small mononuclear infiltration focal and fatty infiltration in several livers.

Diagnosis Runty Liver Syndrome
Recommendation [redacted] each bulk for 10 days.

Reported Orally 9/28 @ 10:15 AM Telephone

9-29-72
Lewis [redacted] Hobbs, D.V.M.
Extension Veterinarian

AVIAN MEDICINE

E 17

PLAINTIFF'S EXHIBIT 42

AVIAN DIAGNOSTIC REPORT

PATH 1

Section of Avian Medicine
Department of Pathobiology

3

Cooperative Extension Service
College of Agriculture and Natural Resources
The University of Connecticut, Storrs 06268
Tel (203) 429 3311 Ext 1584

JF260-12

Spec No 86256-29 Ref No 86256-34 86259-36 Date Received 11-16-72
Owner Leopold Lefebvre Address Vermont Route, Burbleigh, Vt. Te 802-472-6030
Farm Rocks Address RFD Te 802-472-6345
Copies to Dr. Edward McClure, Jos. E. Burkhart, Massachusetts
Submitted by _____ Total farm population _____ No this flock _____
No birds examined 4 Breed Rocks Age _____ No alive 4 No dead _____
Ages Vacc AE _____ Cocci _____ CRD _____ Erysipelas _____ Fowl Cholera _____
Fowl Pox _____ IBV _____ ILT _____ Marek's _____ NDV _____
Birds bought at age _____ From _____ Raised for _____
Feed _____ Coccidiostat _____ Withdrawn at _____ Litter _____
Recent Diagnoses _____
Recent Medicines _____

History These birds were posted on farm by Dr. Bryant and tissues saved for histopathology in 10% formalin.

Gross Pathology

1 No 86256 L S Very heavy, with a lot of fat in abdomen, yellow friable liver, numerous hemorrhages on liver surface.
2 No ___ L D
3 No 86257 L S As above
4 No 86258 L S As above
5 No 86259 L S As above
6 No ___ L D
7 No ___ L D
8 No ___ L D
9 No ___ L D
10 No ___ L D

PLAINTIFF'S EXHIBIT 42

( ) Ascaridia ( ) Newcastle ( ) F A
( ) Capillaria ( ) Bronchitis ( ) Pullorum
( ) Coccidia ( ) M g ( ) Salmonella
( ) Bacteriology ( ) M g ( )
(X) Histopathology Brain, cord, sciatic nerve, kidney - Normal; Liver - Fat cells replacing normal liver cells; Spleen - diffuse areas of lymphocytic infiltration.

Diagnosis Fatty Liver Syndrome
Recommendation Although there is some evidence of lymphomatosis (probably Marek's Disease) it is my opinion that Fatty Liver Syndrome is the primary cause for low production.
Reported Call _____ Telephone _____ Final 11-17-72

Everett E. Bryant, D.V.M.
Extension Veterinarian

AVIAN MEDICINE

E 18

PLAINTIFF'S EXHIBIT 43

AVIAN DIAGNOSTIC REPORT

PAT: 1

Section of Avian Medicine
Department of Pathobiology

Cooperative Extension Service
College of Agriculture and Natural Resources
The University of Connecticut, Storrs 06268
Tel. (203) 429-3311 Ext. 1584

Spec No 28260-62 Ref No _____ Date Received 11-16-72
Owner Leopold LaRiche Address Vermont Route, Burbleigh, Vt. Tel 802-472-6030
Farm C Bldg. Address _____ Tel 802-472-6345
Copies to Dr. Edmund Hoffman, Box E, Marlboro, Massachusetts
Submitted by _____ Total farm population _____ No this flock _____
No birds examined 3 Breed WL Age _____ No alive 3 No dead _____
Ages Vacc AE _____ Cocci _____ CRD _____ Erysipelas _____ Fowl Cholera _____
Fowl Pox _____ IBV _____ ILT _____ Marek's _____ NDV _____
Birds bought at age _____ From _____ Raised for _____
Feed _____ Coccidiostat _____ Withdrawn at _____ Litter _____
Recent Diagnoses _____
Recent Medicines _____

History These birds were posted on farm by Dr. Bryant and tissues saved for histopathology in 10% formalin.

Gross Pathology

1 No 28260 L E Very fat bird, liver yellow and friable with hemorrhages.
2 No 28261 L E As above.
3 No 28262 L E As above.
4 No L D
5 No L D
6 No L D
7 No L D
8 No L D
9 No L D
10 No L D

PLAINTIFF'S EXHIBIT 43

( ) Ascaridia ( ) Newcastle ( ) F A
( ) Capillaria ( ) Bronchitis ( ) Pullorum
( ) Coccidia ( ) M g ( ) Salmonella
( ) Bacteriology ( ) M g ( )

(X) Histopathology Brain, kidney, Sciatic norm - Normal; Livers - Numerous fat cells replacing liver cells; Spleen - discrete areas of lymphocytic infiltration.
Diagnosis Fatty Liver Syndrome
Recommendation It is my firm belief that this flock is loaded in the same way as the hens found poor performance due to Fatty Liver Syndrome.
Reported Oral _____ Telephone _____ Final 11-20-72

Everett S. Bryant, D.V.M.
Extension Veterinarian

AVIAN MEDICINE

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PLAINTIFF'S EXHIBIT 53

Department of Animal and Veterinary Science

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received 10/20/71

Acc. No. 318 (Refer to this number)

OWNER Vt. Food Industries Address Hardwick, Vt.

Brought in / Sent in — by Oliver Libby Address P. O. 104, Bowdoinham, Maine

Copies to: Above

MATERIAL 13 Birds - (4 dead) Age 20 wks Farm Laurierdostie Farm, Augusta, Maine

No. in Group 10,000 Condition Mortality Source

Vacc. for: N.D. IB Comb Coccivac

History: Fairly high mortality, some lameness. No respiratory problems.

Lesions: 5 Marek's 4 Lymphomatosis 2 Gout
1 Tendonitis 1 Mech. Injury
Several showed duodenal lesions suggestiv· of Acervulina

(X) Coccidia Positive ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: COCCIDIA, MAREK'S, LYMPHOID LEUKOSIS, VISCERAL GOUT, TENDONITIS.

Recommendations: Treat for Coccidia.

53

Examined by

Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (X) 10/28/71 (Date) Prelim Report ( ) (Date) Cont. ( ) (Date)

E 20

PLAINTIFF'S EXHIBIT 54

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received Nov. 9, 1971 Acc. No. 350 (Refer to this number)

OWNER Vermont Food Industries Address Hardwick, Vermont

Brought in / Sent in by Oliver Libby Address P.O. Box 104, Bowdoinham

Copies to: above

MATERIAL 7 birds Age 24 wks. Farm Dostie (lots #1 and #2)

No. in Group 37,000 Condition Mortality 25/day for 1 week Source

Vacc. for: N.D. I.B. Comb. Coccivac

History: Vaccination history not known. Some pale birds. For general health check.

Lesions: Three with lymphoid leukosis; one had Marek's Disease; one had visceral gout. Others showed no significant lesions.

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: LYMPHOID LEUKOSIS: MAREK'S DISEASE AND VISCERAL GOUT

Recommendations:

Examined by Dr. Gibbs

Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (X) 11/10/71 (Date) Prelim Report ( ) (Date) Conf. ( ) (Date)

E 21

PLAINTIFF'S EXHIBIT 55

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received Nov. 9, 1971

Acc. No. 351 (Refer to this number)

OWNER Vermont Food Industries Address Hardwick, Vermont 05843

Brought in / Sent in by Oliver Libby Address Box 104, Bowdoinham

Copies to: above

MATERIAL 6 birds Age 24 wks. Farm Dostie (Lot #3)

No. in Crop 37,000 Condition Mortality Source

Vacc. for: N.D. I.B. Comb. Coccivac

History: Vaccination history not known. Some pale birds. For general health check.

Lesions: Three have Marek's. One was victim of starvation and one had gout. One is a Marek's suspect.

( ) Coccidia ( ) Toxicology) Newcastle

( ) Bacteriology ( ) Hematology) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: MAREK'S DISEASE; GOUT AND STARVATION

Recommendations:

Examined by Dr. Gibbs Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (x) 11/20/71 Prelim Report ( ) Date Conf. ( ) Date

E 22

PLAINTIFF'S EXHIBIT 56

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received Nov. 17, 1971

Acc. No. 371 (Refer to this number)

OWNER Vermont Food Industries Address Hardwick, Vermont

Brought in / Sent in by Oliver Libby Address Bowdoinham, Maine Box 104

Copies to: Above

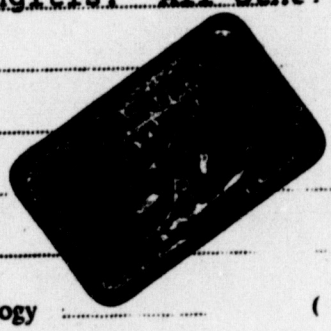
MATERIAL 13 Birds Age 24 wks. Farm Dostie

No. in Group Condition Mortality 30-50/day for a wk. Source

Vacc. for: N.D. I.B. Comb. Coccivac

History: Vacc. history not known. Pale combs. Feed consumption normal. No apparent respiratory problems.

Lesions: One had synovitis and salpingitis. All othe. birds had Marek's Disease



( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology (.) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: MAREK'S DISEASE (12), SYNOVITIS & SALPINGITIS (1)

Recommendations:

Examined by Dr. Gibbs
J. Rossignol

Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (x) 11/18/71 Date Prelim Report ( ) Date Conf. ( ) Date

E 23

PLAINTIFF'S EXHIBIT 57

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received Jan. 24, 1972 Acc. No. 493 (Refer to this number)

OWNER Vermont Food Industries Address Hardwick, Vt.

Brought in / Sent in by Oliver Libby Address P.O. Box 104, Boudoinka

Copies to: above

MATERIAL 14 birds Age 30 wks Farm Dastile

No. in Group 27,000 Condition Mortality 30-35/day Source

Vacc. for: N.D. I.B. Comb. Coccivac.

History: History of Marek's. Vase vaccinated for Marek's.

Lesions: Lesions compatible with a diagnosis of Marek's disease and [illegible] were seen in 12 of the 14 birds examined. (Lymphoid leukosis

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: Marek's disease and lymphoid leukosis.

Recommendations:

Examined by J Reported by

This is a: Final Report (✓) 1/25/72 (Date) Prelim Report ( ) (Date) Conf. ( ) (Date)

V

E 24

PLAINTIFF'S EXHIBIT 58

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Winslow Hall

Date Received 2/15/72 Acc. No. 231 (Refer to this number)

OWNER Leopold LeRiche Address Hardwick, Vermont

Brought in by } by Oliver Libby Address P. O. Box 104, Brunswick, Maine

Copies to: Above

MATERIAL White Leghorns 10 Age 34 Farm Dostie Farm, Augusta, Me.

No. in Group 26,000 Condition Mortality Source

Vacc. for: N.D. I.B. Comb Coccivac

History: Went into molt in February. Eggs got small. They came back into good production about 6 weeks ago. Now going back into molt.

Lesions: Marek's in 3 birds and fatty liver syndrome in 6 birds.

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity (4) Ms. 3-1+, 1-2+ (4) Mg. 1-1+, 3 Negative

( ) Histology ( ) PUL. + TYPH

DIAGNOSES: FATTY LIVER SYNDROME. MAREK'S DISEASE.

Recommendations:

Examined by Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (X) 3/21/72 (Date) Prelim Report ( ) (Date) Cont. ( ) (Date)

207-591-8/10

E 25

PLAINTIFF'S EXHIBIT 59

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received 3/17/72

Acc. No. 639
(Refer to this number)

OWNER Leopold LaRiche Address Hardwick, Vermont

Brought in / Sent in by Oliver Libby Address P. O. Box 104, Bowdoinham, Maine

Copies to: Above

MATERIAL 4 Birds and eggs Age 34 Farm Dostie Farm, Augusta, Me.

No. in Group Condition Mortality Source

Vacc. for: N.D. I.B. Comb. Coccivac

History: Refer to Acc. #638. Reported that when eggs are being candled, a peculiar green-gray color is observed.

Lesions: Fatty livers. Eggs appeared normal on examination.

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH

DIAGNOSES: FATTY LIVER SYNDROME.

Recommendations: Clinical history suggestive of cage layer fatigue syndrome. Suggest that birds be cut back to 90% of feed intake.

Examined by Reported by Harold C. Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (x) 3/21/72 (Date) Prelim Report ( ) (Date) Cont. ( ) (Date)

E 26

PLAINTIFF'S EXHIBIT 60

DIAGNOSTIC REPORT

University of Maine
Orono, Me.

Date Received 3/24/72 Acc. No. 656 (Refer to this number)

OWNER Leopold LeRich Address Hardwick, Vermont

Brought in by Oliver Libby Address Box 104, Bowdoinham, Maine 04008

Copies to: Above; James Buswell, P.O. Box 371, St. Johnsbury, Vermont

MATERIAL 6 Birds Age 35 wks Farm Laurier Dostie, Augusta

No. in Group 36,000 Condition live Mortality normal Source W. Leghorns

Vacc. for: N.D. I.B. Comb. Coccivac.

History: Had 2 molts - small eggs - for general health check. Eating normally.

Lesions: Two had bone fragility; 2 had beading on ribs; fracture of keel and femur in one bird. Two birds in production. Two with fatty livers. One with Marek's (Kidney and liver).

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

(X) Histology (Academic Interest) ( ) PUL - TYPH.

DIAGNOSIS: MAREK'S DISEASE AND FATTY LIVER SYNDROME.

Recommendations:

Examined by Dr. Gibbs Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (X) 3/28/72 Date Prelim Report ( ) Date Conf. ( ) Date

E 27

PLAINTIFF'S EXHIBIT 61

Department of Animal and Veterinary Sciences

DIAGNOSTIC REPORT

University of Maine
Hitchner Hall

Date Received May 10, 1972 Acc. No. 780 (Refer to this number)

OWNER Mr. Leo LaRiche Address Hardwick, Vermont

Report to: by Oliver Libby Address 155 Silver Street, Waterville, Me.

Copies to: Above; Mr. James Buswell, P.O. Box 371, St. Johnsbury, Vermont

MATERIAL 7 Birds Age 40 wks Farm Dostie Farm

No. in Group Condition Mortality Source

Vacc. for: N.D. I.B. Comb Coccivac

History: Recheck on general health. Been on treatment of high calcium medicated feed - special mix.

Lesions: 2 dead: one with lymphoid leukosis and one with ruptured egg yolk. Four birds with fatty livers. White spots on 3 livers suggestive of early leukosis. One bird out of production.

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: LYMPHOID LEUKOSIS - RUPTURED EGG YOLK.

Recommendations:

Examined by Dr. Gibbs Reported by Harold Gibbs, D.V.M.
Animal Pathologist

This is a: Final Report (x) 5/12/72 Date Partial Report ( ) Date Cont. ( ) Date

E 28

PLAINTIFF'S EXHIBIT 62

DIAGNOSTIC REPORT

Department of Animal and Veterinary Sciences

University of Maine
Hitchner Hall

Received 10/16/72

Acc. No. 258
(Refer to this number)

OWNER Vermont Food Industries Address Hardwick, Vermont

Report to } by Oliver Libby Address P.O. Box 104 Bowdoinham, Me.

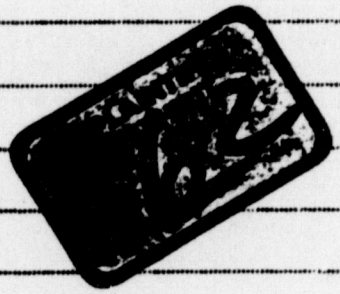
Copies to: Above ; also Mr. Jim Buswell P.O. Box 158 St. Johnsbury, Vt.

MATERIAL 5 White Leghorn pullets Age 22 Farm Erwin Taylor Oakland, Me.

No. in Group 5 Condition Mortality Normal Source

Spec. for: N.D. I.B. Comb. Coccivac.

History: Check for general health, coccidiosis, and Synovitis



Lesions: No significant lesions

F.A. test for Bact. negative

( ) Coccidia ( ) Toxicology ( ) Newcastle

( ) Bacteriology ( ) Hematology ( ) Bronchitis

( ) Sensitivity ( ) Ms. ( ) Mg.

( ) Histology ( ) PUL. + TYPH.

DIAGNOSIS: No significant lesions

Recommendations:

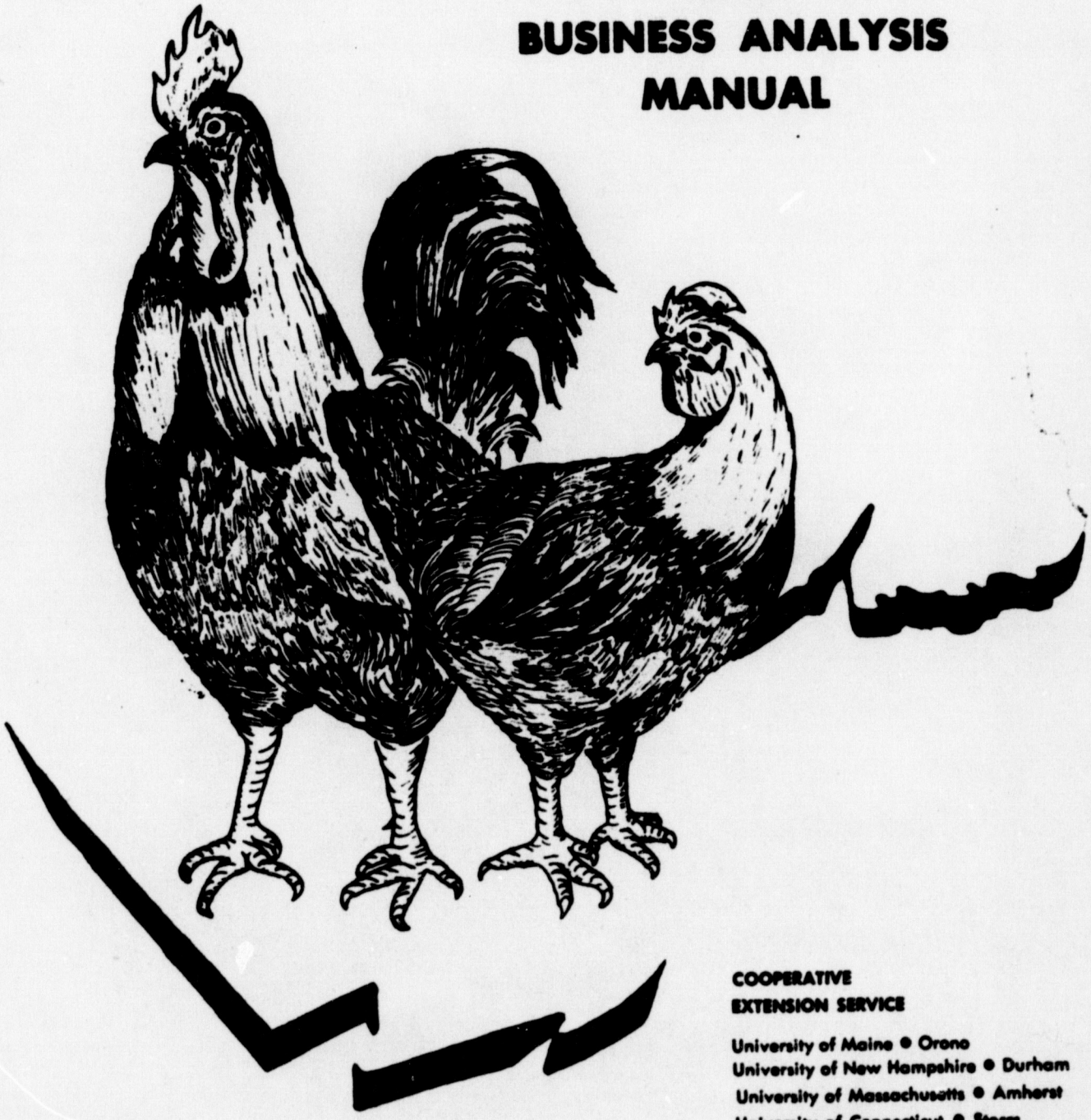
Examined by Reported by

This is a: Final Report ( ) 10/24/72 Date Prelim Report ( ) Date Conf. ( ) Date

E 29

PLAINTIFF'S EXHIBIT 63

1972-73 POULTRY MANAGEMENT AND BUSINESS ANALYSIS MANUAL



COOPERATIVE
EXTENSION SERVICE

University of Maine • Orono
University of New Hampshire • Durham
University of Massachusetts • Amherst
University of Connecticut • Storrs
University of Rhode Island • Kingston
University of Vermont • Burlington

Bulletin 566

E 30

Plaintiff's Exhibit 63

POULTRY MANAGEMENT AND BUSINESS ANALYSIS MANUAL

1972-73

FOREWORD

This manual has been prepared for use by poultrymen, county agents, service personnel, lending agencies, and others concerned with problems of poultry production and management.

It provides standards and budgets that represent either typical rates or desirable levels of attainment to serve as a guide in evaluating the needs and capabilities of a particular business. Such data should always be modified to approximate as nearly as possible the actual situation found on any individual farm.

This is a joint publication of the Maine, New Hampshire, Massachusetts, Vermont, Rhode Island and Connecticut Cooperative Extension Services.

5. Feed conversion

a. Layers - 6 lb. market egg - 4.6 lbs. feed per doz. eggs in laying year

b. Layers - 5 lb. market egg - 4.2 lbs. feed per doz. eggs in laying year

c. Layers - 4 lb. market egg - 3.9 lbs. feed per doz. eggs in laying year

d. Layers - meat-type hatching egg - 7.8 lbs. feed per doz. eggs during laying year

e. Broilers - 3.5 lbs. average - 1.97 lb. feed per lb. of meat

6. Rate of egg production per bird per year

Assumes birds housed at 22 weeks of age, and 12% mortality.

	Hen Day Basis		Hen Housed Basis	
	Number Eggs	Percent Prod.	Number Eggs	Percent Prod.
Brown table egg - floor	251	68.8	236	64.6
Brown table egg - cages	238	65.2	224	61.4
White table egg - floor	263	72.0	247	67.7
White table egg - cages	250	68.5	235	64.4
Meat-type hatching eggs - (10 mos.)	158	52.6	150	48.0

7. Standards for broiler growth and feed consumption

	Live Weight Pounds			Gain over preceding week	# feed per broiler for week	# feed # feed to date	Feed conversion to date
Week	Cockerels	Pullets	Mixed sexes	Mixed sexes (pounds)	Mixed sexes	Mixed sexes	Mixed sexes
1	.27	.25	.26	.17	.29	.29	1.11
2	.61	.54	.57	.31	.43	.72	1.26
3	1.09	.95	1.02	.45	.72	1.45	1.42
4	1.66	1.41	1.53	.51	.94	2.39	1.56
5	2.24	1.89	2.06	.53	1.07	3.46	1.68
6	2.91	2.42	2.67	.61	1.26	4.72	1.77
7	3.66	3.00	3.33	.66	1.45	6.18	1.86
8	4.38	3.58	3.98	.65	1.62	7.79	1.96

8. Water Consumption - Layers

	Gallons Water/1000 Layers/Day Ambient Temperature (°F.)			
Temperature	20-40°F.	41-60°F.	61-80°F.	81-100°F.
Water (gals.)	42-50	50-58	58-70	70-116

E 32

PLAINTIFF'S EXHIBIT 64

Ralston Purina

AGRICULTURAL PRODUCTS GROUP

August 5, 1970

Mr. Leopold Leriche
Wolcott
Vermont 05680

Dear Leopold:

Thank you for taking time to visit with Gene Counard, Bud MacLeod, and me on Thursday, July 30. I enjoyed seeing your very impressive operation and visiting with you. We enjoyed discussing several aspects of your laying hen operation and having you share with us some of your ambitious ideas about trout farming. I am sure Jack Coates has been in touch with you, and hopefully, he has been able to be of some help.

One of the things we discussed was the 24-week-old pullets in the new house which were still being fed Pullet Developer. We agreed that these birds would be fed oyster shell at the level of one pound per 100 birds per day every other day. I feel the entire house should be started on layer feed when you get your next load of feed. Normally, we like to see layers be put on a laying ration at 22 weeks of age or 5% production, whichever comes first. Your recent expansion in production and processing is indicative of your success and progress in the business of egg production.

I certainly welcome the opportunity to work with you in any capacity in which I can be of help. Please feel free to call on me at any time. Thanks again for a very pleasant visit.

Best regards.

Sincerely

Bill Ragland

W. W. Ragland, Ph.D., Nutritionist
Commercial Egg and Breeder Research

jp

PLAINTIFF'S EXHIBIT 67

RODENT CONTROL

Keep Purina Mouse and Rat Kill available at all times.

FORCE MOLTING

Points to consider when deciding to molt:

1. Choose a flock that has done well and is healthy.
2. The earlier the hens are molted the more likely they are to retain interior and exterior egg quality during the second cycle.
3. Cull prior to molting.
4. To achieve optimum production a full capacity house is required.
5. Revaccinate for Newcastle and bronchitis after the hens are on the molting ration for a week.
6. Refer to Purina Feeding and Management Program for Force-Molted Hens for detailed information. (ZP 7989)

LIGHTING PROGRAMS

STEPS FOR SETTING UP A LIGHTING PROGRAM

The objective of the lighting program is to subject the growing pullets to decreasing day length or a constant short day to 22 weeks. Natural light may be used if the hatch date is from May 1 to August 1. Otherwise artificial lights must be used. The basic program is after the first week of 24 hours of light, simply start at a day length that can be decreased 15 minutes per week without conflicting with natural daylight. Note the steps listed below to develop a program.

A. Determine the hatch date for the chicks.

B. Calculate date on which the birds will be 22 weeks of age.

C. Determine natural day length on the date the birds are 22 weeks of age.

D. In order to decrease day length 15 minutes per week, day length at one week of age must be five hours and fifteen minutes longer at one week of age than at 22 weeks of age. Add five hours and fifteen minutes to the natural day length at 22 weeks in order to obtain the starting point. To keep from interfering with natural day length, the artificial light must be divided so that half the artificial lighting occurs before sunrise and half after sunrise. Similarly when decreasing 15 minutes per week, be sure that the decrease is made alternately in the morning and evening.

LAWS OF LIGHTING

Don't expose pullets to *increasing* day length.
Don't expose layers to a *decreasing* day length.

Don't follow a windowless lighting program unless the interior of the house is absolutely black—*no light leakage whatsoever.*

WINDOW BROWNOUT AND MOST WINDOWLESS HOUSES

Due to differences in sunrise-sunset times, your actual program time changes may vary up to 3 weeks from those listed below. Use the program specifically designed for your area.

From May 1 to August 1 (hatch dates) use natural daylight on pullets. Then use 13 hours of light from 22 weeks through peak and then increase 15 minutes week until reaching 20 hours of light. If the natural light is more than 13 hours at 22 weeks, maintain the light period by using lights until the increases as outlined coincide with natural day length. Then give the regular increases.

For hatch dates of March 15 through April 30, and from August 1 through October 30, use artificial lights decreasing day length fifteen minutes per week in order to match natural day length during the 22nd week. Then provide an abrupt increase of two hours and hold through peak and then increase day length by fifteen minutes week until reaching 20 hours of daylight.

For hatch dates of November 1 through March 15, use artificial lights decreasing day length fifteen minutes per week, matching natural day length the 22nd week. Then immediately start increasing day length fifteen minutes week until reaching 20 hours of light.

LIGHT TIGHT HOUSE

When light tight growing facilities are available, use a constant eight hour day from one week through 22 weeks of age.

If the laying unit is light tight, use 13 hours of light through peak and then increase day length 15 minutes week until reaching 20 hours.

If the laying unit is *not* light tight, increase day length at 22 weeks to a minimum of 13 hours or equal to natural day length at 32 weeks. Then increase day length 15 minutes week until reaching 20 hours.

LIGHTING MANAGEMENT

One-half foot candle at bird level is adequate light intensity for growing birds. Provide a minimum of one foot candle at bird level in the laying unit.

Clean bulbs regularly and replace broken and burned out bulbs promptly.

Bulbs should be placed 10-12 feet on center in floor houses. Avoid shadows and dark areas; however, lower intensity in nesting areas may help to reduce floor eggs. In cage houses, lights should be placed 10 feet on center over the aisle.

E 35

PLAINTIFF'S EXHIBIT 71

cc Mr. W. M. Jones, ADO

St. Louis, Missouri
May 23, 1972

Mr. Oliver Libby, New England Area

Accession #57245

On April 4, 1972 a consignment of a dozen eggs was received at this laboratory for examination. These eggs were from the Leopold LeRiche operation at Hardwick, Vermont.

There was a problem of blood spots or some type of foreign body in the eggs produced at this unit. There had also been problems of decreased egg production and some question about egg quality. Unfortunately, nine of the eggs were broken upon arrival and were not suitable for study. The three remaining eggs were examined and appeared to be essentially normal.

Recommendations for treating this flock of birds apparently have been of some benefit. In a conversation with Mr. LeRiche on May 18, 1972 he indicated that things were looking better.

L. F. Eldridge, D.V.M. - IRS
Veterinary Department

bc

E 36

PLAINTIFF'S EXHIBIT 72

cc Mr. W. M. Jones, ADO
Mr. Harlen Medders, St. Johnsbury Mill
Dr. D. C. Snetsinger, IRS

St. Louis, Missouri
June 20, 1972

Mr. Oliver W. Libby, New England Area

Accession #57408 191-72

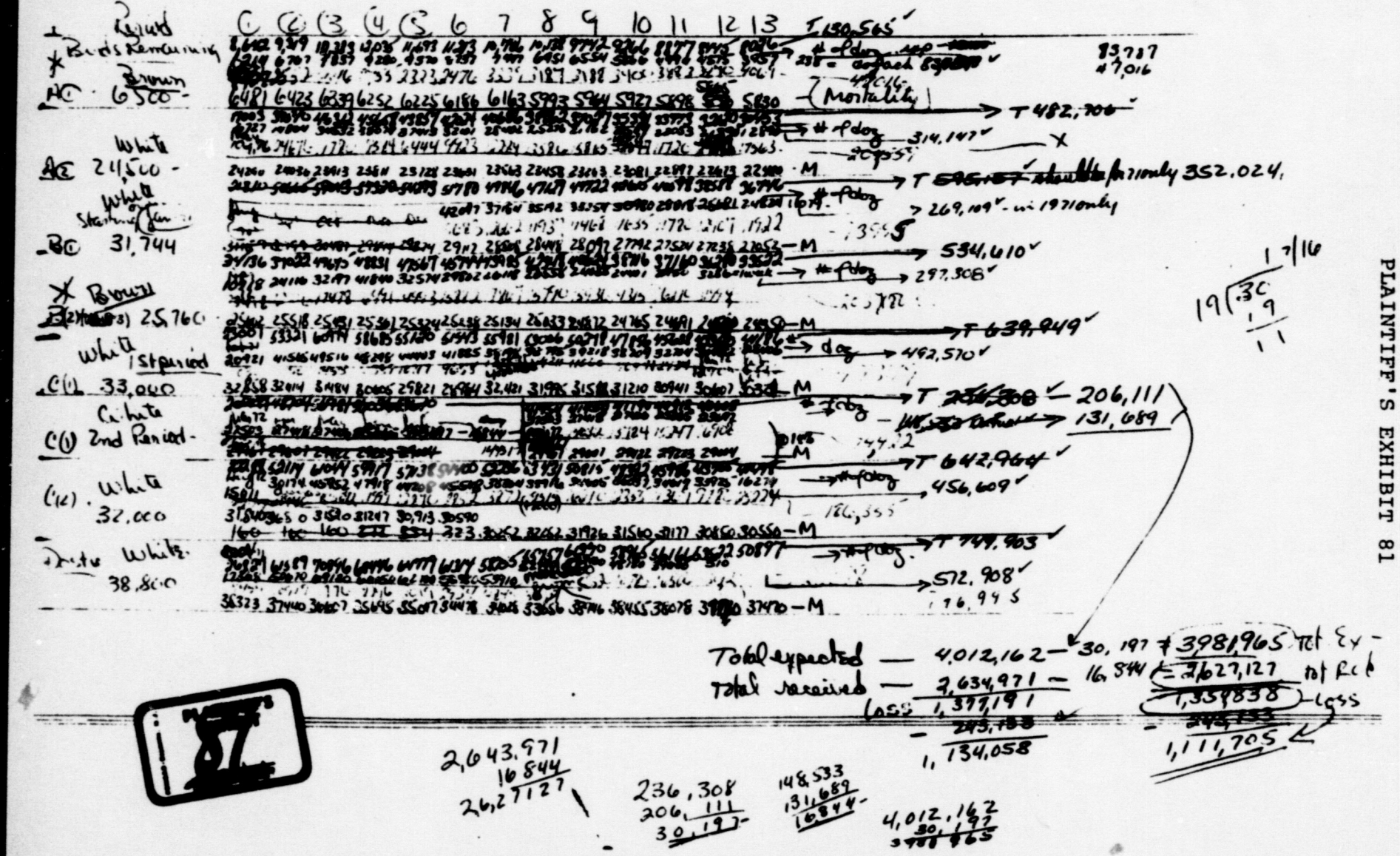
On May 22, 1972 a consignment of chicken livers from the Dostie Farm owned by Mr.Leopold LeRiche was received at this laboratory for examination. According to the history there has been a problem in these commercial layers of decreased egg production, increased mortality, and fatty livers. The fatty liver problem was diagnosed by the University of Maine. The flock had been treated with 200 grams of Terramycin per ton of feed and vitamin supplementation.

Microscopic examination showed that nearly all of the liver specimens showed evidence of lymphoproliferative disease. Marek's Disease and lymphoid leukosis fall in this category. There was also extensive necrosis or degeneration typical of infectious hepatitis. Some of the liver specimens showed extensive hemorrhage and bile accumulation. The microscopic diagnosis indicates that these birds were suffering from infectious hepatitis and also lymphoproliferative disease. The exact category of this disease was not determined.

The history of this flock indicates that they did respond to Terramycin treatment. This would tend to support the diagnosis of infectious hepatitis. Depending on the present status of this flock, it may be wise to treat these birds with nf-180 at the 200 gram per ton level for a 10 to 14 day period. Please share this information with Mr. LeRiche since I am sure he will be interested in these results.

L. F. Eldridge, D.V.M. - IRS
Veterinary Department

bc



PLAINTIFF'S EXHIBIT 81

E 37

FLOCK PERIOD #	A① MONTHLY LOSS	A② MONTHLY LOSS	B① MONTHLY LOSS	B② MONTHLY LOSS	C① 1st PERIOD MONTHLY LOSS	C② 2nd PERIOD MONTHLY LOSS	C② MONTHLY LOSS	DOSTIE MONTHLY LOSS
1	$2,492.83	3,185.56	3,679.64	4557.04	665.60	4,624.32	2,255.87	2,837.70
2	$791.12	7,156.04	4,178.46	3,097.44	3,761.92	4,630.56	7,020.80	3,494.08
3	$1,318.34	3,769.60	3,819.84	4,719.06	3,781.14	4,273.04	4,678.52	497.28
4	$881.60	2,426.52	3,784.44	2,097.30	3,217.97	4,421.63	4,679.61	688.80
5	$743.36	2,877.67	3,606.85	4,647.83	3,107.93	5,410.56	5,662.80	666.27
6	$817.08	3,439.52	3,416.20	5,082.24	3,090.56		4,160.44	821.52
7	$962.31	3,939.94	4,130.24	5,538.77	5,690.56		5,548.80	1,162.80
8	$956.10	5,235.45	3,815.04	6,916.00	4,689.63		8,196.30	814.59
9	$1,052.04	4,163.88		7,011.84	3,207.40		7,132.40	2,559.00
10	$1,292.00	2,812.80		6,728.05	2,894.10		5,683.30	3,343.35
11	$1,281.39	2,126.52		6,484.00	4,138.88		6,139.26	5,281.92
12	$1,238.40	2,897.10		13,437.48	3,613.40		5,281.20	
13	$1,383.46	4,215.12			3,706.20		13,620.96	
SUB TOTAL	$15,216.03	$48,246.08	$30,430.61	$71,717.05	$45,567.29	$23,360.11	$80,060.26	$22,167.31

TOTAL = $336,764.74

PLAINTIFF'S EXHIBIT 82A

E 38

DEFENDANT'S EXHIBITS

E 40

DEFENDANT'S EXHIBIT I

Dept. of Animal Pathology

November 20, 1970

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

The seven 16-week-old H & N White Leghorn chickens submitted on November 18 showed the following disease conditions. Four of the seven showed very mild synovitis. Two of these chicks also showed a very mild enteritis. No other disease condition was evident including coccidiosis. The remaining three birds were essentially normal.

Continue with the medicated feed until it is used up. It is likely that this synovitis condition will subside in two weeks or so after completion of your treatment.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

E 41

DEFENDANT'S EXHIBIT J

Dept. of Animal Pathology

January 28, 1971

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Leopold:

Examination of the nine live 22-week-old birds submitted by Arthur Gauthier showed Marek's disease on 6, infectious synovitis on 3 (2 of these were obviously old cases) and mechanical injury on the leg of one. Intestines looked good on all. Scrapings on three birds were negative. Dr. Murray also discussed the findings with Arthur.

Marek's disease is the probable cause of your losses. We would not recommend treatment at present.

Sincerely,

W. D. Bolton, D.V.M.
Professor & Head
Dept. of Animal Pathology

WDB/br

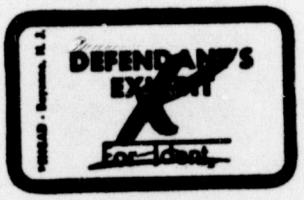
cc/Arthur Gauthier

E 42

DEFENDANT'S EXHIBIT K

Dept. of Animal Pathology

February 24, 1971



Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The chickens submitted on February 17 by Mr. Arthur Gauthier showed the following disease conditions:

(1) White Leghorn - Wolcott - 8 wks. old - top floor
Four out of four birds essentially normal. No synovitis, no coccidiosis or CRD.

(2) White Leghorn - Wolcott - 8 weeks old - bottom floor
Three out of four birds with moderately severe intestinal coccidiosis. No synovitis or CRD. Treat this group with the highest recommended level of amprol plus in the feed for seven days. You may prefer later to treat with amprol in the drinking water or S-4 in the drinking water.

(3) White Leghorn - Hardwick - 24 wks. old
One out of two birds with mild synovitis. Other organs were essentially normal. The second bird was essentially normal. No coccidiosis, CRD or leukosis. Medication is not recommended for this flock.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br
cc/Arthur Gauthier

E - 43

DEFENDANT'S EXHIBIT L

Dept. of Animal Pathology

March 2, 1971

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

Examination of the 12 live 9-week-old chickens submitted yesterday by Arthur Gauthier failed to show significant pathology. Scrapings from the duodenal loop of two birds showed very few coccidia. One bird showed an enlarged spotted liver. Cultures from this liver were negative, indicating Marek's disease as the probable cause. Synovitis was not present. One bird showed adhesions in the mesentery, probably as the result of Marek's disease.

We would not recommend any treatment.

Sincerely,

W. D. Bolton, D.V.M.
Professor & Head
Dept. of Animal Pathology

WDB/br

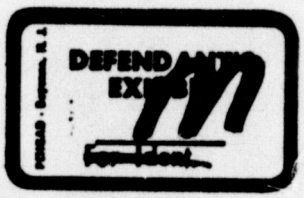
cc/Arthur Gauthier

E 44

DEFENDANT'S EXHIBIT M

Dept. of Animal Pathology

April 22, 1971



Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The nine 32-week-old H & N White Leghorn chickens (lot #5) submitted on April 13 showed the following diseases: One with moderately severe infectious synovitis, three with Marek's disease, one with visceral leukosis and two with infectious vibrionic hepatitis. Two birds were laying and were essentially normal. Eight of the nine hens did not show any evidence of the presence of synovitis. The intestines were essentially normal in all birds and smears were negative for the presence of coccidia and other internal parasites. All birds were negative for the presence of CRD. Treat this flock with NF-180 at the 4-pound level in the feed for two weeks for infectious vibrionic hepatitis.

The twelve 15-week-old White Leghorn chickens from the Eldridge farm showed the following diseases: Pen #1 (H & N) -- all birds were essentially normal. No evidence of synovitis, leukosis, CRD or parasites. Pen #2 (H & N)--all birds were essentially normal. No evidence of synovitis, leukosis, CRD or parasites. Pen #3 (Babcock)--all with slight to moderately severe enteritis. Smears were negative for the presence of coccidia. No evidence of CRD, synovitis, leukosis or parasites. Pen #4 (H & N)--one with slight enteritis and two with normal intestines. No evidence of coccidiosis. No evidence of synovitis, leukosis, CRD or parasites. Treat Babcock White Leghorns with Neomycin or Bacitracin for seven days or with NF-180 at the 4-pound level in the feed for ten days.

Sincerely,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

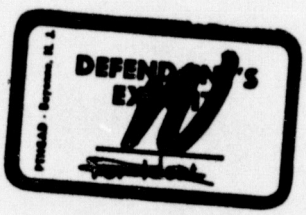
RWM/br

E 45

DEFENDANT'S EXHIBIT N

Dept. of Animal Pathology

May 13, 1971



Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

The seven 34-week-old H & N White Leghorns (Lot #5) submitted on April 26 showed the following disease conditions: Four were affected with Marek's disease, two with visceral leukosis and one with avian vibrionic hepatitis. No other disease condition was evident. Fecal smears were negative for the presence of coccidia and other internal parasites. It appears that the NF-180 treatment has decreased the incidence of avian hepatitis in this flock. NF-180 treatment should be continued for another week or more.

The six 19-week-old Babcock White Leghorns (Lot #6) submitted on April 26 showed the following disease conditions: Five were essentially normal and one showed a mild catarrhal enteritis. Fecal smears were negative for the presence of coccidia and other internal parasites. No other disease condition was evident. The NF-180 treatment appears to have cleared up the enteritis condition observed previously in this group of birds. Further treatment should not be necessary.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Mr. Arthur Gauthier

E 46

Defendant's Exhibit N

Lot # 6

Babcocks - 19 weeks old

Same as brought in on April 13
No Mortality of any Concern

On NF 4/11/180 Since April 17

E 47

Defendant's Exhibit N

Dr Murray - or Dr Dalton

Started 3300 HN about Sept 1, 1971 - (34 weeks)

Semen weeks of high Motility
Average about 75 per day until
past four days only 50 per day

These are from same Bull #5 as we
brought to you on April 13.

These bulls were on a 10 day Treatment
of 2 cc per 100 lbs Testosterone Propionate IM
NF-180 Treatment.
Started on 4th bull NF 180 on April 17.

Please inform Ferrel as soon as possible by
phone 472-6036 of findings.

E 48

DEFENDANT'S EXHIBIT O

UNIVERSITY OF VERMONT

AND STATE AGRICULTURAL COLLEGE

COPY
1-10-74

Department of Animal Pathology

Accession No. 779

Date May 26 1971

Owner Leopold LeRiche Address Wolcott, Vermont

Submitted by Dr. R. W. Murray Address

Species Avian No. of -Specimens 7 live Sex F Breed Babcock W.L. Age 5 mos

History:

Lot #6 ration
On special ~~xxxxxxx~~ to delay laying
18,000 in flock
Fair number of pale birds
Eating well and otherwise appear normal
Low mortality
Previous coccidiosis in this flock

Necropsy x Cultured Histology Blood

Animal Inoculation Serologic Parasitic x

Other Virus Isolation

Antemortem:

Postmortem:

One with tumors of intestine and spleen
One with slight thickening of intestine
One essentially normal
Four essentially normal
3 fecals = negative for parasites

Diagnosis: Normal (6) Marek's disease (1)

Recommendations: No treatment

Examined by R. W. Murray Date 5-26-71

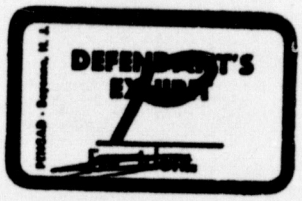
Reported by R. W. Murray How phone L Date 5-26-71
R. W. Murray letter L 5-31-71
cc/

E 49

DEFENDANT'S EXHIBIT P

Dept. of Animal Pathology

May 28, 1971



Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

Seven of the eight 7½-month-old H & N White Leghorn hens examined on May 26 were affected with Marek's disease. The eighth bird was affected with visceral leukosis. Six of the seven birds with Marek's disease exhibited large tumors in the neck region above the crop. Visual examination of this flock revealed that many more hens also showed neck tumors and that with little effort, endless numbers of hens could be culled out. The unusual location of tumors in the upper neck region plus the history that this flock has been vaccinated against Marek's disease indicates that the vaccine used must have contained Marek's disease virus rather than the turkey herpes virus vaccine that is now commercially available. In some instances the actual site of vaccination was visible; that is, a small core could be seen at the periphery of the tumors. At the present rate of mortality (about 100 per day) the outlook for this flock is very poor. Mortality records also show a trend toward an increase rather than a decrease in mortality which is another unfavorable fact in this disease problem.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br
cc/Arthur Gauthier

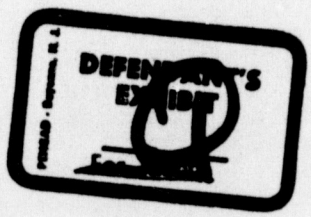
COPY

E 50

DEFENDANT'S EXHIBIT Q

✓ Dept. of Animal Pathology

May 31, 1971



Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

Six of the seven Babcock White Leghorns (lot #6) submitted on May 26 were essentially normal. One bird was affected with Marek's disease. No other disease condition was present. Fecal smears were negative for the presence of coccidia and other internal parasites. Medication is not recommended at the present time.

Sincerely,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Arthur Gauthier

E 51

DEFENDANT'S EXHIBIT R

Dept. of Animal Pathology

June 9, 1971

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

The ten 23-week-old Babcock White Leghorn hens (lot #6) submitted on June 7 mainly showed fragile bones, excess fatty condition and three were affected with non-specific enteritis. Two birds were affected with Marek's disease and one with visceral leukosis. Infectious synovitis was not present. Fecal smears were negative for the presence of coccidia and other internal parasites.

Continue treatment with bacitracin in the feed. Discontinue S-4 medication. The use of bacitracin to eliminate the non-specific enteritis plus the change of feed to a laying ration should improve the general appearance of this flock in a week or so.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

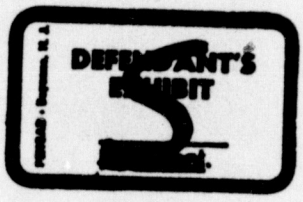
RWM/br

cc/Arthur Gauthier

E 52

DEFENDANT'S EXHIBIT S

June 17, 1971



Mr. Leopold Leriche
Wolcott, VT 05680

Dear Mr. Leriche:

The bones of four of the five twenty-six-week-old White Leghorn hens submitted on June 16 were essentially normal. One bird exhibited slightly brittle bones. Other organs were essentially normal including the intestines. Synovitis and CRD were not present. Fecal smears were negative for the presence of coccidia and other internal parasites. Medication is not recommended at the present time.

Sincerely yours,

Roger W. Murray
Assoc. Animal Pathologist

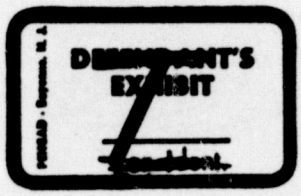
RWM/rk

cc: Earl Morrill

E 53

DEFENDANT'S EXHIBIT T

Dept. of Animal Pathology July 19, 1971



Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

The six 1-month-old H &W White Leghorns (pens # 2 and 4) submitted on July 14 showed the following: Four birds were essentially normal. Two birds (one from pen #2 and one from pen #4) showed evidence of having been affected with navel infection. No other disease condition was evident. Medication is not required for this flock.

The eight 1½-month-old Arbor Acre White Leghorns (pens #1 & 3) submitted on July 14 showed the following: Two birds (one from pen #1 and one from pen #4) showed evidence of having been affected with navel infection. Three birds were essentially normal and threeeshowed a non-specific enteritis. No other disease condition was evident including coccidiosis. Treatment would be advisable for pens #1 and 3 for non-specific enteritis. Terramycin, neomycin or bacitracin would be suitable for this purpose.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Arthur Gauthier

COPY

E 54

DEFENDANT'S EXHIBIT U

Dept. of Animal Pathology

March 8, 1972

Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The ten 3-day-old DeKalb White Leghorn chicks submitted on March 1 showed evidence of having been chilled; that is the yolk sacs in all the ten birds had not been absorbed as one would have expected normally. No other disease condition was evident.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

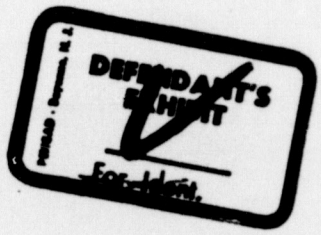
cc/Earl Morrill

E 55

DEFENDANT'S EXHIBIT V

Dept. of Animal Pathology

April 5, 1972



Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The 4½-week-old Dekalb White Leghorn chickens submitted on March 11 showed evidence of the effects of chilling and piling up. Fecal smears were negative for the presence of coccidia and other internal parasites. Virus isolation tests were negative for the presence of infectious bronchitis and Newcastle disease.

As recommended by phone on March 11, treat this flock with terramycin to prevent secondary infection with CRD.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

E 56

DEFENDANT'S EXHIBIT W

Dept. of Animal Pathology

April 17, 1972

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Leopold:

Examination of the four groups of birds submitted by Arthur Gauthier on April 12 showed old CRD lesions in two birds and minor evidence of intestinal coccidiosis in three groups (9 weeks of age). The 7-week birds showed appreciable numbers of coccidia and we recommended treatment with S-4. Treatment on the other three groups would be optional.

Nearly all of the birds were light in weight and had eaten substantial amounts of shavings or sawdust. This would suggest overcrowding.

Lesions of infectious synovitis, Marek's disease or other disease agents were not evident. If these birds are spread out, present losses should stop.

Sincerely,

W. D. Bolton

W. D. Bolton, D.V.M.
Professor & Head
Dept. of Animal Pathology

WDB/br

cc/Arthur Gauthier

COPY

E 57

DEFENDANT'S EXHIBIT X

Dept. of Animal Pathology

May 16, 1972

Mr. Leopold Leriche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The 12-week-old Dekalb White Leghorns submitted on May 2 showed the following disease conditions: Pen #1 (3 birds) - 1 with very mild enteritis. Pen #2 (3 birds) - intestines essentially normal. Pen #3 (3 birds) - two with very mild enteritis. The above birds showed no signs of respiratory disease, no evidence of synovitis, no evidence of leukosis and fecal smears were negative for the presence of coccidia and other parasites. Addition of NF-180 (2 pound level) to the ration for two weeks would be of value in aiding the return of the intestines to a normal state.

The three 10-week-old Dekalb White Leghorns from pen #4 also submitted on May 2 were essentially normal. There was no signs of respiratory disease, no evidence of synovitis, no evidence of leukosis and fecal smears were negative for the presence of coccidia and other parasites. NF-180 also should be beneficial for this group of birds.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Arthur Gauthier

E 58

DEFENDANT'S EXHIBIT Y

Dept. of Animal Pathology

May 17, 1972

Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

Two of the four 12-week-old Dekalb White Leghorns (Lot #1) submitted on May 16 were affected with intestinal coccidiosis. The other two birds had normal intestines. There was no evidence of the presence of CRD, infectious synovitis and leukosis. The bones were normal.

Three of the four 12-week-old DeKalb White Leghorns (Lot #2) submitted on May 16 were affected with intestinal coccidiosis. One bird had normal intestines. There was no evidence of the presence of CRD, infectious synovitis and leukosis. The bones were normal.

Treat this flock with S-4 in the drinking water at the highest recommended level according to the directions of the manufacturer.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Arthur Gauthier

COPY

E 59

DEFENDANT'S EXHIBIT Z

Dept. of Animal Pathology

June 8, 1972

Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. Leriche:

The six 17-week-old Dekalb White Leghorns (Pen #4) submitted on June 2 showed the following changes: Four showed a greenish cast to the liver and three showed slightly swollen kidneys. The gizzards were relatively empty. The intestines were normal, and no synovitis, CRD or leukosis was present. Cultures of internal organs were negative for the presence of any bacterial agent. The changes observed suggest that sulfa drug toxicity was involved. The near perfect condition of the intestines suggests that coccidiosis was completely eradicated from this group.

The five 17-week-old Dekalb White Leghorns (pen #2) submitted on June 2 showed the following changes: Only one bird showed a greenish cast to the liver and slightly swollen kidneys. The gizzards contained more food than those from pen #4. Four of the five birds showed slight thickening and two showed slight inflammation of the intestines. No CRD or leukosis was present. One bird was affected with synovitis associated with bacterial infection (Staphylococcus). Cultures of internal organs were negative for the presence of any bacterial agent. The fact that the intestines of this group were not normal and that only one bird showed toxic effects of sulfa drug suggests that this group did not receive the same amount of sulfa drug as did those in pen #4.

Provided that sufficient drinking water is available, these birds should recover from the ill effects of sulfa drug toxicity. If any additional birds show lameness or swollen joints, it would be advisable to submit them for bacterial culture since Staphylococcus infection of the joints and synovial membranes can become a problem in some flocks.

Sincerely,

R. W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

cc/Arthur Gauthier

E 60

DEFENDANT'S EXHIBIT BL

Dept. of Animal Pathology

July 13, 1971

Mr. Leopold LeRiche
Wolcott
Vermont

Dear Mr. LeRiche:

The twelve 8-day-old Warren Sex Sal chicks submitted on July 6 were severely affected with navel infection and septicemia associated with E. coli. No other disease condition was evident.

E. coli infection may be acquired in the incubator either during the incubation period or at hatching time.

Ordinarily we do not treat a flock for navel infection. However in this instance it may be worthwhile, since a large number of chicks were involved. Medicate the feed or drinking water with neo-terramycin mixture at the 200-gram-level for seven days or longer. In about two to three weeks following treatment cull out all chicks that appear to be runty or otherwise are not healthy in appearance.

Enclosed are antibiotic sensitivity test results. A (+) result indicates that an antibiotic or chemical was effective and a (-) result means that a chemical was not effective against E. coli in the particular concentration used in the test.

Sincerely yours,

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/J. J. Warren

E 61

DEFENDANT'S EXHIBIT BN

Dept. of Animal Pathology

August 17, 1972

Mr. Leopold LeRiche
Wolcott
Vermont 05680

Dear Mr. LeRiche:

The six 33-week-old Warren Sex Sal hens submitted on August 8 and the six birds from the same flock submitted on August 10 were affected with obesity. All birds were laying but only two of the twelve hens were laying exceptionally well. This obese condition was characterized by the presence of an excessive amount of abdominal fat (the abdomens bulged with fat), excessive amount of fat on the internal organs, the livers were yellow-brown in color and the kidneys were yellow-pink in color. The livers were very friable; that is, they broke apart very readily when touched due to the presence of excessive fat.

One of the twelve hens showed a mild enteritis. Cultures of the intestine were negative for the presence of fungi and any unusual bacterial agent. Fecal smears were negative for internal parasites. There was no evidence of the presence of CRD, infectious synovitis, leukosis and coccidiosis. In other words, except for the obese condition these hens appeared to be in good health/

A "fatty liver" syndrome diet may be of value for this flock.

Sincerely yours,

Roger W. Murray

Roger W. Murray, D.V.M.
Associate Animal Pathologist
Dept. of Animal Pathology

RWM/br

cc/Arthur Gauthier

COPY

Court Press Form No. 2-Affidavit.
H.15

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

VERMONT FOOD INDUSTRIES, INC.,

Plaintiff-Appellee,

against

RALSTON PURINA COMPANY,

Defendant-Appellant.

State of New York,
County of New York,
City of New York—ss.:

IRVING LIGHTMAN being duly sworn, deposes and says that he is over the age of 18 years. That on the 9th day of December, 1974, he served one copy copies of the Exhibit Volume on Richard E. Davis Associates, Inc. the attorneys for the Plaintiff-Appellee by depositing the same, properly enclosed in a securely sealed post-paid wrapper, in a Branch Post Office regularly maintained by the Government of the United States at 90 Church Street, Borough of Manhattan, City of New York, directed to said attorneys at No. P. O. Box 666, Barre, Vermont ( ) N. Y., that being the address designated by them for that purpose upon the preceding papers in this action.

Irving Lightman

Sworn to before me this
9th day of December, 1974.

Courtney J. Brown

COURTNEY J. BROWN
Notary Public, State of New York
No. 31-5472920
Qualified in New York County
Commission Expires March 30, 1976